

Senator Kirk A. Cullimore proposes the following substitute bill:

VOTING ADMINISTRATION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill amends provisions relating to the administration of elections.

Highlighted Provisions:

This bill:

- ▶ establishes a deadline to cure a rejected ballot; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31

Utah Code Sections Affected by Coordination Clause:

20A-3a-401, as renumbered and amended by Laws of Utah 2020, Chapter 31

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-3a-401** is amended to read:



**20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --
Disposition -- Notice.**

(1) This section governs ballots returned by mail or via a ballot drop box.

(2) (a) Poll workers shall open return envelopes containing manual ballots that are in the custody of the poll workers in accordance with Subsection (2)(b).

(b) The poll workers shall, first, compare the signature of the voter on the affidavit of the return envelope to the signature of the voter in the voter registration records.

(3) After complying with Subsection (2), the poll workers shall determine whether:

(a) the signatures correspond;

(b) the affidavit is sufficient;

(c) the voter is registered to vote in the correct precinct;

(d) the voter's right to vote the ballot has been challenged;

(e) the voter has already voted in the election;

(f) the voter is required to provide valid voter identification; and

(g) if the voter is required to provide valid voter identification, whether the voter has provided valid voter identification.

(4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine that:

(i) the signatures correspond;

(ii) the affidavit is sufficient;

(iii) the voter is registered to vote in the correct precinct;

(iv) the voter's right to vote the ballot has not been challenged;

(v) the voter has not already voted in the election; and

(vi) for a voter required to provide valid voter identification, that the voter has provided valid voter identification.

(b) If the poll workers make all of the findings described in Subsection (4)(a), the poll workers shall:

(i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;

(ii) ensure that the ballot does not unfold and is not otherwise examined in connection with the return envelope; and

(iii) place the ballot with the other ballots to be counted.

(c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers shall:

(i) disallow the vote;

(ii) without opening the return envelope, mark across the face of the return envelope:

(A) "Rejected as defective"; or

(B) "Rejected as not a registered voter"; and

(iii) place the return envelope, unopened, with the other rejected return envelopes.

(5) (a) If the poll workers reject an individual's ballot because the poll workers determine that the signature on the return envelope does not match the individual's signature in the voter registration records, the election officer shall contact the individual in accordance with Subsection (7) by mail, email, text message, or phone, and inform the individual:

(i) that the individual's signature is in question;

(ii) how the individual may resolve the issue; and

(iii) that, in order for the ballot to be counted, the individual is required to deliver to the election officer a correctly completed affidavit, provided by the county clerk, that meets the requirements described in Subsection (5)(b).

(b) An affidavit described in Subsection (5)(a)(iii) shall include:

(i) an attestation that the individual voted the ballot;

(ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;

(iii) a space for the individual to sign the affidavit; and

(iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the individual's signature on the affidavit for voter identification purposes.

(c) In order for an individual described in Subsection (5)(a) to have the individual's ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the election officer.

(d) An election officer who receives a signed affidavit under Subsection (5)(c) shall immediately:

(i) scan the signature on the affidavit electronically and keep the signature on file in the

statewide voter registration database developed under Section 20A-2-109; and

(ii) if the election officer receives the affidavit no later than 5 p.m. ~~[the day before]~~
three days before the day on which the canvass begins, count the individual's ballot.

(6) If the poll workers reject an individual's ballot for any reason, other than the reason described in Subsection (5)(a), the election officer shall notify the individual of the rejection in accordance with Subsection (7) by mail, email, text message, or phone and specify the reason for the rejection.

(7) An election officer who is required to give notice under Subsection (5) or (6) shall give the notice no later than:

(a) if the election officer rejects the ballot before election day:

(i) one business day after the day on which the election officer rejects the ballot, if the election officer gives the notice by email or text message; or

(ii) two business days after the day on which the election officer rejects the ballot, if the election officer gives the notice by postal mail or phone;

(b) seven days after election day if the election officer rejects the ballot on election day; or

(c) seven days after the canvass if the election officer rejects the ballot after election day and before the end of the canvass.

(8) An election officer may not count the ballot of an individual whom the election officer contacts under Subsection (5) or (6) unless:

(a) the election officer receives a signed affidavit from the individual under Subsection (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's identity[-]; and

(b) the affidavit described in Subsection (8)(a) is received, or the confirmation described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which the canvass begins.

(9) The election officer shall retain and preserve the return envelopes in the manner provided by law for the retention and preservation of ballots voted at that election.

Section 2. **Coordinating H.B. 411 with H.B. 188 -- Technical amendment.**

If this H.B. 411 and H.B. 188, Voter Signature Verification Amendments, both pass and become law, it is the intent of the Legislature that the Office of Legislative Research and

119 General Counsel prepare the Utah Code database for publication by amending Subsection
120 20A-3a-401(8) of this bill to read:

121 "[(8)] (7) An election officer may not count the ballot of an individual whom the
122 election officer contacts under Subsection (5) or (6) unless;

123 (a) (i) the election officer receives a signed affidavit from the individual under
124 Subsection [(5)(b) or is otherwise able to establish contact with the individual to confirm the
125 individual's identity:] (5)(a)(ii)(C); and

126 (ii) the affidavit described in Subsection (7)(a)(i) is received no later than 5 p.m. three
127 days before the day on which the canvass begins; or

128 (b) (i) the election officer or the election officer's employee communicates directly with
129 the voter;

130 (ii) the voter provides identifying information to the officer or employee that the officer
131 or employee verifies using the voter's voter registration file; and

132 (iii) the election officer maintains written documentation of compliance with
133 Subsections (7)(b)(i) and (ii)."